

REMARKS

Applicant has considered the outstanding official action. It is respectfully submitted that all the claims of the application are directed to patentable subject matter and are in condition for allowance as set forth below.

As requested, the continuity information in the specification has been updated.

Additionally as requested, applicant is submitting a Form 1449 for the Examiner. The Form 1449 lists the references set forth in the International Search report (with the exception of U.S. Patent No. 4,320,162 which is already cited by the Examiner) which is of record in this case and denoted as "foreign references" in the image file wrapper (IFW). The Form 1449 also lists the references submitted in the parent case, Serial No. 601,842, now U.S. Patent No. 6,755,928. The foreign references listed in the attached Form 1449 are of record in the IFW for the parent case and, accordingly, are not being resubmitted herewith. Acknowledgment of the documents cited in Form 1449 by return of the initialed Form 1449 is requested.

Non-elected claims 69-109 have been canceled. Applicant reserves the right to file a divisional application containing claims directed to the non-elected subject matter. Pending elected claims 54-68 have been

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canceled and rewritten as follows:

<u>New Claim</u>	<u>Prior Claim</u>
110	54 and 58
111	55
112	56
113	56
114	57
115	59
116	60
117	61
118	62
119	63
120	64
121	64
122	65
123	66
124	67
125	68
126	58/57/54
127	59/57/54
128	60/57/54
129	63/62/57/54
130	67/65/56/54
131	68

The outstanding rejections are as follows:

- (1) Claims 58-65, 67 and 68 under 35 U.S.C. §112, second paragraph, as indefinite based on the language "squeezed at positions" as used in claims 58 and 67;
- (2) Claims 54, 56, 57, 61, 65 and 66 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,307,141 (Walburn) or WO 95/35205 (Ruppel) (corresponding to U.S. Patent No. 5,846,636);
- (3) Claims 54, 56, 57, 61, 62, 64, 65 and 66 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,320,162 (Schulz) or WO 97/44528 (Barnholtz); and
- (4) Claim 55 under 35 U.S.C. §103(a) over any of Walburn, Schulz, Ruppel or Barnholtz in view of U.S. Patent No. 3,684,641 (Murphy).

Claim 59 is objected to as being dependent upon a rejected base claim, but is stated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Claim 59 has been rewritten as independent claim 127. Thus, claim 127 is in condition for formal allowance. Claims 58, 60, 63, 67 and 68 are not rejected based on prior art but only under 35 U.S.C. §112, second paragraph, with regard to certain terminology. Claims 58, 60, 63, 67 and 68

have been rewritten as claims 126, 128, 129, 130 and 131, respectively, and the language "squeezed at positions" amended to read that "protuberances of said second set of protuberances which are superimposed on protuberances of said first set of protuberances substantially remove said protuberances of said first set of protuberances superimposed upon" or variation thereof depending on the claim. Support is present at page 10, lines 10-12 and page 14, lines 24-25, in the specification. Accordingly, it is respectfully submitted that claims 126 and 128-131 are also in condition for allowance.

As to the rejections based on applied art, the remaining independent claim, claim 110, and claims dependent thereon, requires at least two layers of web material having a first set of protuberances providing a background pattern and a second set of protuberances providing an ornamental motif which is superimposed upon the first set of protuberances, wherein protuberances of the second set which are superimposed on protuberances of the first set substantially remove said protuberances of the first set of protuberances superimposed upon. The second set of protuberances has major dimensions and minor density with respect to the first set of protuberances. The two layers are coupled by adhesive applied in correspondence to the second set of protuberances, the first set of protuberances

being substantially free of adhesive. The product thus includes a second embossing (i.e., the ornamental motif formed by the second set of protuberances) on a web which has been previously embossed with a background pattern made up of a first set of protuberances. Certain protuberances of the background pattern are substantially removed in correspondence to the design pattern, i.e., the protuberances of the second set forming the ornamental motif. Applicant's claimed combination is not taught by the applied references.

More specifically, Walbrun teaches two layers having mating portions 24, 25 with non-mating pocket portions therebetween. The non-mating portions have perforations 21a, 22a therein which result in fibers 21c, 22c extending therefrom. Superimposed protuberances resulting in certain protuberances being substantially removed is not taught in Walburn.

Ruppel, while teaching nesting and adhesion at certain tips, also does not describe provision of a background and ornamental motif involving the superimposing of protrusions resulting in substantial removal of the protrusions superimposed upon.

Schulz teaches a multi-ply structure with deep embossments providing joined portions and shallow embossments forming non-joined portions. Schulz does not

teach providing protrusions of one set of protrusions in one layer which are superimposed on protrusions in another set of protrusions in another layer resulting in substantial removal of the protrusions superimposed upon.

Further, Barnholtz does not teach superimposing protrusions as described above in relation to the other applied references. Barnholtz describes a multi-ply structure with particular density and texture value as well as discrete domes and nesting embossments therein.

Accordingly, none of Walbrun, Ruppel, Schulz or Barnholtz teach each and every element of the invention as claimed and, thus, do not anticipate the claims within the meaning of 35 U.S.C. §102. Withdrawal of the §102 rejections based on these references is, therefore, respectfully requested.

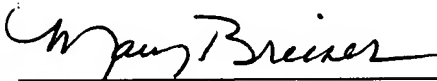
The sole secondary reference, Murphy, is applied with respect to the added limitation of a colored adhesive in dependent claim 55. Accordingly, Murphy does not make up for the shortcomings of the primary references as set forth above. Withdrawal of the §103 rejection is, thus, also respectfully requested.

Reconsideration and allowance of the application is respectfully urged.

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Respectfully submitted,

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Attachment - Form 1449